

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

<p>D.L.,</p> <p style="text-align:center">Plaintiff,</p> <p>KALAMAZOO PUBLIC SCHOOLS,</p> <p style="text-align:center">Defendant.</p>	<p>Case No. 1:22-cv-01208</p> <p>Hon. Robert J. Jonker</p> <p>Related Case No. 1:22-cv-00838</p>
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STIPULATION IN SUPPORT OF (PROPOSED) ORDER AMENDING THE
CASE MANAGEMENT ORDER (ECF NO. 16)

Pursuant to this stipulation, the parties by and through counsel jointly move the Court to amend the Case Management Order (ECF No. 16) in certain respects, and in support state as follows:

- A. Count I of Plaintiff's Complaint (ECF No. 1) seeks to appeal an IDEA administrative decision of the Michigan Office of Administrative Hearings and Rules ("MOAHR").
- B. Following the April 5, 2023, Rule 16 Scheduling Conference, the Court entered the First Case Management Order (ECF No. 16).
- C. As discussed during the Rule 16 Scheduling Conference, in the weeks following that conference, Plaintiff's counsel worked with the MOAHR to obtain the complete administrative hearing record and to obtain a Certification of Administrative Record for the Court.

- D. On information and belief, MOAHR attempted to file the administrative record with the Court several times electronically, without success. Subsequently a flash drive was submitted by MOAHR to the Court Clerk.
- E. Due to administrative delays at the MOAHR, Plaintiff's counsel did not receive the administrative hearing record until approximately May 24, 2023. For unknown reasons, MOAHR did not mail the administrative record to Defendant's counsel until June 15, and it was not received until June 21, 2023. Moreover, the record was transmitted as a single pdf, consisting of 1,495 pages, plus a video file.
- F. The Certification of Record was filed with the Court on June 2, 2023. See ECF No. 22.
- G. In light of the foregoing 2 ½ month delay by MOAHR, the parties need additional time to review the administrative record, determine whether supplementation is necessary and the extent of any proposed supplementation, and work with the Court to ensure that the underlying administrative record is complete and accessible for the Court's appellate review.
- H. Despite the foregoing delays, the parties have engaged in written discovery. Plaintiff served Defendant with discovery requests on June 14. Defendant responded to those requests on July 10, and made its initial document production on July 21, 2023. Additional document production and related negotiations continue.
- I. Counsel for the parties have met and conferred several times regarding the scope of discovery and related issues, and the parties will continue to attempt to resolve outstanding issues without court intervention. That process, however, will take time, and substantial discovery remains to be produced and reviewed before expert reports (currently due for Plaintiff on August 15) can be prepared and finalized.

- J. In light of the additional time needed for discovery and confirmation that the underlying administrative record is complete and ready for appellate review by this Court, good cause exists to amend the deadlines in the First Case Management Order.

Accordingly, IT IS HEREBY STIPULATED AND JOINTLY MOVED that the Case Management Order be amended as follows:

- The deadline for disclosure of expert witnesses and reports is extended from August 15, 2023, to November 15, 2023, for the party with the burden of proof, and from September 15, 2023, to December 15, 2023, for the responding party; the deadline for rebuttal reports is extended from October 6, 2023, to January 15, 2024.
- The deadline for the completion of discovery is adjourned from November 30, 2023, to February 29, 2024; ADR must take place by February 29, 2024 (formerly November 30, 2023); and dispositive motions must be filed by April 15, 2024 (formerly January 15, 2024).

IT IS SO STIPULATED AND AGREED:

/s/ Mitchell D. Sickon
Mitchell D. Sickon (P82407)
Attorney for Plaintiff

/s/ David W. Centner
David W. Centner (P43071)
Attorney for Defendant

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

Case No. 1:22-cv-01208

D.L.,

Plaintiff,

KALAMAZOO PUBLIC SCHOOLS, Related Case No. 1:22-cv-00838

Defendant.

**ORDER AMENDING THE
CASE MANAGEMENT ORDER (ECF NO. 16)**

Pursuant to the stipulation of the parties, by and through counsel, and for good cause shown as set forth in the accompanying stipulation, NOW THEREFORE,

IT IS HEREBY ORDERED as follows:

- The deadline for disclosure of expert witnesses and reports is extended from August 15, 2023 to November 15, 2023 for the party with the burden of proof, and from September 15, 2023 to December 15, 2023 for the responding party; the deadline for rebuttal reports is extended from October 6, 2023 to January 15, 2023.
- The deadline for the completion of discovery is adjourned from November 30, 2023 to February 29, 2024; ADR must take place by February 29, 2024 (formerly November 30, 2023); and dispositive motions must be filed by April 15, 2024 (formerly January 15, 2024).

IT IS SO ORDERED.

Dated: August __, 2023

Hon. Robert J. Jonker, District Judge